

## Chapter SPS 366

### EXISTING BUILDINGS

#### Subchapter I — Purpose, Scope and Application

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**Note:** Chapter Comm 66 was renumbered chapter SPS 366 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

#### Subchapter I — Purpose, Scope and Application

**SPS 366.0001 Purpose and scope. (1) PURPOSE.** The purpose of ch. SPS 366 is to establish minimum requirements to safeguard public health, safety and welfare insofar as existing public buildings and place of employment are affected by the repair, alteration, change of occupancy, addition or relocation.

**(2) SCOPE.** The scope of ch. SPS 366 is as specified in s. SPS 361.02.

**(3) INTENT.** The intent of this chapter is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety, and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition, and relocation of existing buildings.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; **correction** in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 366.0100 Changes, additions or omissions to IEBC.** Changes, additions or omissions to the IEBC are specified in this subchapter and are rules of the department and are not requirements of the IEBC.

**Note:** The requirements of s. 101.132, Stats., may be more restrictive than the administrative rules when a project involves the remodeling of housing. The term “remodeled” has the meaning given in s. 101.132 (1) (h), Stats., and the term “housing” has the meaning given in s. 106.50 (1) (L), Stats. Section 101.132 (2) (b), Stats., regarding remodeling percentages, reads:

1. If more than 50 percent of the interior square footage of any housing with 3 or more dwelling units is to be remodeled, the entire housing shall conform to the standards in par. (a), regardless of when the housing was first intended for occupancy.

2. If 25 percent to 50 percent of the interior square footage of any housing with three or more dwelling units is to be remodeled, that part of the housing that is to be remodeled shall conform to the standards in par. (a), regardless of when the housing was first intended for occupancy.

3. If less than 25 percent of the interior square footage of any housing with three or more dwelling units is to be remodeled, the remodeling is not subject to the standards in par. (a) unless the alteration involves work on doors, entrances, exits or toilet rooms, in which case the doors, entrances, exits or toilet rooms shall conform to the standards in par. (a) regardless of when the housing was first intended for occupancy.

**Note:** Section 101.126, Stats., requires the owner of a building to provide a separate room or designated space within or adjacent to the building for the separation, temporary storage and collection of recyclable materials that are likely to be generated by the building occupants, if there is an increase in the size of the building by 50% or more or an alteration of 50% or more of the existing area of a building that is 10,000 square feet or more in area. See Appendix B for guidelines for recommended designated areas.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08.

**SPS 366.0101 Administration.** Except for IEBC section 102.4, substitute the following wording for the requirements in IEBC chapter 1:

**(1) APPLICATION.** The provisions of the IEBC shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings. Repairs, alterations, change of occupancy, existing buildings to which additions are made, historic buildings, and relocated buildings complying with the provisions of the IBC, IMC, IPC, and IRC as applicable shall be considered in compliance with the provisions of this code.

**(2) CHANGE OF OCCUPANCY TO A PUBLIC BUILDING OCCUPANCY.** (a) Except as provided in par. (b), where a building or portion of a building that has not been previously occupied or used as a public building or place of employment is to be changed to an occupancy or use that constitutes a public building or place of employment, the building or portion of a building shall comply with the IBC for new construction.

(b) 1. Under par. (a) the IBC rules for new construction do apply to the properties of existing building materials.

2. An alteration or a change of occupancy in a qualified historic building which has not been previously occupied or used as a public building or place of employment may utilize the provisions of the IEBC as modified by this subchapter.

**(3) TEMPORARY USE.** A municipal fire or building code official may allow an existing building or a portion of an existing building to be used temporarily in a manner that differs from the approved use for the building or space subject to all of the following provisions:

(a) The official shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use. This time frame may not exceed 180 days, except the official may grant extensions for demonstrated cause.

(b) Except as provided in par. (c), buildings or spaces considered for temporary use shall conform to the requirements of this code as necessary to ensure the public safety, health and general welfare.

(c) The official may require additional safety requirements for a temporary use as a trade-off for any safety provisions that may be lacking.

(d) The official may terminate the approval for a temporary use at any time and order immediate discontinuance of the use or complete evacuation of the building or space.

**(4) COMPLIANCE METHOD.** (a) The repair, alteration, change of occupancy, addition, or relocation of all existing buildings shall comply with one of the methods listed in par. (b) or (c) as selected by the applicant. Application of a method shall be the sole basis for assessing the compliance of work by the code official. Paragraphs (b) and (c) shall not be applied in combination with each other.

(b) Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with the applicable requirements of IIBC chapters 4 through 12 shall be considered in compliance with the provisions of this code.

(c) Repairs, alterations, additions, changes in occupancy, and relocated buildings complying with IIBC chapter 13 shall be considered in compliance with the provisions of this code.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; CR 10–103: renum. (2) to be (2) (a) and am., cr. (2) (b) Register August 2011 No. 668, eff. 9–1–11.

### SPS 366.0202 General definitions. (1) ADDITIONS.

This is a department definition for this chapter in addition to the definitions in IIBC section 202: “Exhibit building” means a qualified historic building that is open to the general public only for display or tours.

(2) SUBSTITUTIONS. (a) Substitute the following definition for the corresponding definition in IIBC section 202: “Historic building” means a “qualified historic building” as defined under s. 101.121 (2) (c), Stats.

**Note:** Section 101.121 (2) (c) of the Statutes reads as follows: “Qualified historic building” means a historic building which:

1. Is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places;
2. Is included in a district which is listed on, or has been nominated by the state historical society for listing on, the national register of historic places in Wisconsin or the state register of historic places, and has been determined by the state historical society to contribute to the historic significance of the district;
- 2m. Is determined by the state historical society to be eligible for listing on the national register of historic places in Wisconsin or the state register of historic places;
3. Is listed on a certified local register of historic property; or
4. Is included in a district which is listed on a certified local register of historic property, and has been determined by the city, village, town or county to contribute to the historic significance of the district.

(b) Substitute the following definition for the corresponding definition in IIBC section 202: “Unsafe” means buildings, structures or equipment that are unsanitary, or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of “dangerous,” or that are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626; CR 10–103: am. (2), cr. (2) (b) Register August 2011 No. 668, eff. 9–1–11.

### SPS 366.0300 Prescriptive compliance method. The

requirements in IIBC Chapter 3 are not included as part of this code, except for the requirements in IIBC Section 310 when applied by IIBC Section 1301.2.5.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; CR 10–103: am. Register August 2011 No. 668, eff. 9–1–11.

**SPS 366.0500 Carbon monoxide alarms for CBRF’s accommodating fewer than 20 residents.** These are department rules in addition to the requirements in IIBC chapter 5 and are established under the authority of s. 101.127, Stats.:

(1) (a) Existing buildings converted to be community–based residential facilities accommodating fewer than 20 residents shall be provided with carbon monoxide alarms by July 1, 2013, when either one of the following conditions exists:

1. The building contains fuel–burning appliances.
2. The building has an attached garage.

(b) This section applies to community–based residential facilities described under par. (a) in existence prior to January 1, 2005.

**Note:** Pursuant to s. 101.01 (12), Stats., an existing building converted to be community–based residential facility accommodating fewer than 20 residents is not defined to be a “public building.” See also s. SPS 361.02 (5).

(2) Carbon monoxide alarms shall be listed and labeled to be in conformance with one of the following standards:

- (a) UL 2034.
- (b) UL 2075.

(3) (a) A carbon monoxide alarm shall be installed in accordance with the instructions of its manufacturer.

(b) A carbon monoxide alarm shall be provided on each floor level of an existing building accommodating a community–based residential facility described under sub. (1) (a), if the building contains fuel–burning appliances.

(c) A carbon monoxide alarm shall be provided on each floor level where sleeping units are located in an existing building accommodating a community–based residential facility described under sub. (1) (a), if the building has an attached garage and no fuel–burning appliances.

**History:** CR 10–103: cr. Register August 2011 No. 668, eff. 9–1–11.

**SPS 366.0503 Smoke alarms.** These are department rules in addition to the requirements in IIBC section 503:

(1) No smoke alarm, including an alarm that exists on September 1, 2011, may remain in service for more than that specified by the manufacturer.

(2) The replacement of a smoke alarm that uses a battery as its primary power source shall be a new smoke alarm that complies with UL 217 and either of the following:

(a) The alarm is hardwired in accordance with IBC section 907.2.11.4 and has backup power in accordance with that section.

(b) The alarm uses, as its primary power source, a non–replaceable, non–removable battery that is capable of powering the alarm for at least 10 years.

**History:** CR 10–103: cr. Register August 2011 No. 668, eff. 9–1–11.

**SPS 366.0506 Structural evaluation.** The requirements in IIBC sections 506.2 to 506.2.5 are not included as part of this code.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08.

**SPS 366.0509 Plumbing.** The requirements in IIBC section 509 are not included as part of this code.

**Note:** See the Wisconsin Uniform Plumbing Code, chs. SPS 382 to 387, for plumbing and water conservation provisions.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08.

### SPS 366.0602 Building elements and materials.

(1) MATERIALS AND METHODS. Substitute the following wording for the requirements in IIBC section 602.4: All new work shall comply with materials and methods requirements in the IBC, IECC, IFGC, IMC, and IPC, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

(2) INTERNATIONAL FUEL GAS CODE. The requirements in IIBC section 602.4.1 are not included as part of this code.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; CR 10–103: am. Register August 2011 No. 668, eff. 9–1–11.

### SPS 366.0607 Energy conservation requirements.

Substitute the following wording for the requirements in IIBC section 607.1:

(1) ADDITIONS, ALTERATIONS, RENOVATIONS OR REPAIRS. Except as specified in sub. (2), additions, alterations, renovations or repairs to an existing building, building system or portion thereof shall conform to the provisions of IECC as they relate to new construction without requiring the unaltered portions of the existing building or building system to comply with the IECC. Additions, alterations, renovations, or repairs shall not create an unsafe or hazardous condition or overload existing building systems.

(2) EXCEPTIONS. All of the following need not comply provided the energy use of the building is not increased:

- (a) Storm windows installed over existing fenestration.
- (b) Glass only replacements in an existing sash and frame.
- (c) Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.

(d) Construction where the existing roof, wall or floor cavity is not exposed.

(e) Reroofing for roofs where neither the sheathing nor the insulation is exposed.

(f) Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a conditioned space from the exterior shall not be removed.

(g) Alterations that replace less than 50 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.

(h) Alterations that replace only the bulb and ballast within the existing luminaires in a space provided that the alteration does not increase the installed interior lighting power.

**(3) REROOFING.** This is a department rule in addition to the requirements in IIBC section 607: Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; CR 10–103: cr. (2) (e) to (h), (3) Register August 2011 No. 668, eff. 9–1–11.

**SPS 366.0704 Automatic sprinkler systems.** This is a department exception to the requirement in IIBC section 704.2: The installation or extension of an automatic sprinkler system may exclude the protection of combustible concealed spaces that are not accessible in existing buildings.

**History:** CR 10–103: renum. from Comm 66.0701 and am. Register August 2011 No. 668, eff. 9–1–11.

**SPS 366.0709 Altered existing mechanical systems.** The exception to the requirements in IIBC section 709.1 and the requirements in IIBC section 709.2 are not included as part of this code.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08.

**SPS 366.0710 Minimum plumbing fixtures.** Substitute the following wording for the requirements in IIBC section 710.1: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08.

**SPS 366.0711 Minimum energy conservation requirements.** Substitute the following wording for the requirements in IIBC section 711: Level 2 alterations to existing buildings or structures shall comply with s. SPS 366.0607.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; correction made under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626; **correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

**SPS 366.0802 Emergency Controls.** The requirements in IIBC section 802.2.1 are not included as part of this code.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08.

**SPS 366.0808 Minimum energy conservation requirements.** Substitute the following wording for the requirements in IIBC section 808.1: Level 3 alterations to existing buildings or structures shall comply with s. SPS 366.0607.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; correction made under s. 13.92 (4) (b) 7., Stats., Register February 2008 No. 626; **correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

**SPS 366.0809 Plumbing.** These are department rules in addition to the requirements in IIBC chapter 8:

**(1)** Pursuant to s. 101.128, Stats., level 3 alterations within an existing facility where the public congregates shall necessitate that plumbing fixtures serving the work area be provided in a ratio of at least 2 water closets for females as to each water closet and urinal for the males.

**(2) (a)** Under this section “facility where the public congregates” has the meaning has given in s. 101.128 (1) (b), Stats.

**Note:** Section 101.128 (1) (b), Stats., reads: “Facility where the public congregates” means any of the following that has a general capacity or a seating capacity of 500 or more persons:

1. An amusement facility.
2. A convention or trade hall or center.
3. A specialty event center.
4. A sports or entertainment arena, center or building.
5. A stadium.
6. An airport, bus terminal, train station or other transportation center.

**(b)** Under this section “alterations” has the meaning has given in s. 101.128 (1) (d), Stats., for “renovation”.

**Note:** Section 101.128 (1) (d), Stats., reads: “Renovation” means any structural remodeling, improvement or alteration of an existing facility where the public congregates. “Renovation” does not include any of the following:

1. Reroofing.
2. Cosmetic remodeling, including painting or the installation of wall covering, of paneling, of floor covering or of suspended ceilings.
3. An alteration to an electrical or mechanical system.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08.

**SPS 366.0901 Change of occupancy. (1) CHANGE IN OCCUPANCY WITH NO OCCUPANCY CLASSIFICATION.** Substitute the following wording for the requirements in IIBC section 901.2: A change in occupancy, as defined in IIBC section 202, with no change of occupancy classification may not be made to any structure that will subject the structure to any special provisions of this code, including the provisions of IIBC sections 902 through 911, without the approval of the code official.

**(2) CHANGE OF OCCUPANCY CLASSIFICATION.** This is a department rule in addition to the requirements in IIBC section 901.3: Buildings undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with IECC.

**(3) CERTIFICATION OF OCCUPANCY REQUIRED.** The requirements in IIBC section 901.4 are not included as part of this code.

**(4) STANDPIPE SYSTEMS.** This is a department rule in addition to the requirements in IIBC section 912.2: Standpipe systems shall be provided in existing buildings and structures or portions of existing buildings and structures in accordance with chapter 9 of the IBC when existing buildings or structures that are greater than 60 feet in height are changed to include a Group R–1 or R–2 occupancy.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; CR 10–103: am. (1) Register August 2011 No. 668, eff. 9–1–11.

**SPS 366.0911 Other requirements. (1) ELEVATOR RECALL.** This is a department rule in addition to the requirements in IIBC section 911: At least one existing elevator shall be provided with emergency recall operation and emergency in-car operation complying with ch. SPS 318 when an existing building or structure that is greater than 60 feet in height is changed to include a Group R–1 or R–2 occupancy.

**(2) CARBON MONOXIDE ALARMS.** This is a department rule in addition to the requirements in IIBC section 911: A building or a portion of a building changed to be or include a residential building as defined under s. 101.149 (1) (b), Stats., shall be provided with carbon monoxide alarms or detectors in accordance with s. SPS 362.1200.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; EmR0826: emerg. renum. to be (1), cr. (1) (title) and (2), eff. 10–1–08; CR 08–085: renum. to be (1), cr. (1) (title) and (2) Register May 2009 No. 641, eff. 6–1–09; **correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

**SPS 366.0912 Plumbing.** Substitute the following wording for the requirements in IIBC section 910: Where the occupant load of a story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the IBC based on the increased occupant load.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; CR 10–103: renum. from Comm 66.0910 Register August 2011 No. 668, eff. 9–1–11.

**SPS 366.1002 Fire Protection Systems.** This is a department exception to the requirements in IEBEC section 1002.3: An automatic sprinkler system is not required for additions to individual dwelling units within existing townhouses that are not already protected with an automatic sprinkler system.

**History:** CR 10–103: cr. Register August 2011 No. 668, eff. 9–1–11.

**SPS 366.1101 Historic buildings. (1) SCOPE.** This is a department rule in addition to the requirements in IEBEC section 1101.1: Any historic building is exempt from the energy requirements of this code.

**(2) REPORT.** The requirements in IEBEC section 1101.2 are not included as part of this code.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; CR 10–103: renum. (1) to be (2), (2) to be Comm 66.1105 and am. (2) (title), cr. (1) Register August 2011 No. 668, eff. 9–1–11.

**SPS 366.1105 Exhibit buildings.** These are department rules in addition to the requirements in IEBEC section 1105: Historic buildings to be used as exhibit buildings shall comply with all of the following requirements:

**(1)** The building shall be open to the public only under the supervision of a tour guide.

**(2)** The building may not be lived in, slept in or worked in, except for the purpose of demonstrating to the public how people lived in a particular era.

**(3)** Smoking is prohibited in the building.

**(4)** Open flame equipment may not be used in the building, except for fire places and other mechanical equipment original to the building.

**(5)** Fire extinguishers shall be installed in exhibit buildings and may be located in a nonconspicuous location but accessible to the occupants.

**(6)** (a) At least one smoke detector shall be provided for each 1,200 square feet of floor area with a minimum of one smoke detector per floor level.

(b) 1. Except as specified in subd. 2., where electricity is provided in the exhibit building, the smoke detectors shall be connected to the electrical power.

2. Where no electrical power is provided to an exhibit building, the smoke detectors shall be of a battery type.

3. Smoke detectors shall be tested weekly.

**(7)** Exhibit buildings provided with only one means of egress shall be restricted to a total capacity of 12 people, and not more than 6 people may be located above or below the first floor at any one time.

**(8)** Stairways without 6–foot, 4–inch vertical headroom clearance shall have signs posted warning occupants of the headroom clearance available.

**(9)** Exit signs shall be provided in accordance with the prevailing code in exhibit buildings occupied prior to ½–hour before sunrise and ½–hour after sunset and in all areas not provided with natural lighting.

**History:** CR 10–103: renum. from Comm 66.1101 (2) Register August 2011 No. 668, eff. 9–1–11; correction in (b) 1. made under s. 13.92 (4) (b) 7., Stats., Register August 2011 No. 668.

**SPS 366.1301 Applicability. (1)** Substitute the following wording for the requirements in IEBEC section 1301.2: The provisions of sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

**(2) ACCESSIBILITY REQUIREMENTS.** Substitute the following wording for the requirements in IEBEC section 1301.2.5: All portions of the buildings proposed for change of occupancy or being altered shall conform to the accessibility provisions of IEBEC section 310.

**(3)** The requirements in IEBEC section 1301.3.2 are not included as part of this code.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08; CR 10–103: am. (title), renum. (2) to be (3), cr. (2) Register August 2011 No. 668, eff. 9–1–11.

**SPS 366.1400 Construction safeguards.** The requirements in IEBEC chapter 14 are not included as part of this code.

**History:** CR 10–103: cr. Register August 2011 No. 668, eff. 9–1–11.